

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 35A.3(2), the Commission of Veterans Affairs hereby gives Notice of Intended Action to amend Chapter 10, “Iowa Veterans Home,” Iowa Administrative Code.

This proposed amendment fixes a discrepancy in the language between Iowa Veterans Home subrule 10.47(7) and Iowa Code section 17A.19(5).

Any interested person may make written suggestions or comments on the proposed amendment on or before February 16, 2010. Such written materials should be directed to John Mathes, Interim Commandant, Iowa Veterans Home, 1301 Summit Street, Marshalltown, Iowa 50158-5485, or faxed to (641)753-4278. E-mail may be sent to john.mathes@ivh.state.ia.us. Persons who wish to convey their views orally should contact the Commandant’s office at (641)753-4309 at the Iowa Veterans Home.

If requested in writing, a public hearing on the proposed amendment will be held on February 17, 2010, at 1 p.m. in the Ford Memorial Conference Room at the Iowa Veterans Home, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record. Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Iowa Veterans Home to advise of specific needs. If no written or oral requests for a public hearing are received, the public hearing will be canceled without further notice.

This proposed amendment is not subject to waiver.

This amendment is intended to implement Iowa Code chapter 35D.

The following amendment is proposed.

Amend subrule 10.47(7) as follows:

10.47(7) If a member is not satisfied with the decision of the department of inspections and appeals, the member may seek judicial review in accordance with Iowa Code chapter 17A. A member’s discharge under rule 801—10.43(35D) shall not be stayed while judicial review is pending.